

1 SCHIFF HARDIN LLP
2 Eliot S. Jubelirer, CSB #61654
ejubelirer@schiffhardin.com
3 Rocky N. Unruh, CSB #84049
runruh@schiffhardin.com
One Market
4 Spear Street Tower, Suite 3200
San Francisco, CA 94105
5 Telephone: 415-901-8700
Facsimile: 415-901-8701
6
7 BRADLEY ARANT BOULT CUMMINGS LLP
E. Mabry Rogers (*pro hac vice* application to be
submitted)
8 mrogers@babc.com
D. Bryan Thomas (*pro hac vice* application to be
submitted)
9 dbthomas@babc.com
One Federal Place
10 1819 Fifth Ave.
North Birmingham, AL 35203
Telephone: 205-521-8000
11 Facsimile: 205-521-8800
12
13 Attorneys for Plaintiff
SHARED SYSTEMS TECHNOLOGY, INC.
(PULLMAN)

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17

18 UNITED STATES OF AMERICA for the
use and benefit of SHARED SYSTEMS
19 TECHNOLOGY, INC. (PULLMAN), a
corporation,
20

Plaintiff,

v.

21
22 AMEC ENVIRONMENT &
INFRASTRUCTURE, INC., a
corporation; and ZURICH AMERICAN
23 INSURANCE COMPANY, a
corporation,
24

Defendants.

25
26
27 Case No. 3:14-CV-02871-RS
28

**STIPULATION AND ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE AND EXTENDING TIME
TO RESPOND TO COMPLAINT**

Complaint Filed: June 20, 2014
Current CMC Date: October 2, 2014

29 Plaintiff, Shared Systems Technology, Inc. (Pullman) ("SST"), and defendant
AMEC Environment & Infrastructure, Inc. ("AMEC") (collectively, the "Parties"), by and
30

CASE NO. 3:14-CV-02871-RS

1 through their undersigned counsel, hereby stipulate to (1) a 60-day continuance of the
 2 Case Management Conference ("CMC") (and all dates associated therewith), currently set
 3 for December 11, 2014, and (2) an extension of Defendants' time to respond to the
 4 Complaint from November 21, 2014, to and including January 20, 2015.¹ The Parties'
 5 stipulation is based on the following facts:

6 1. SST filed a Complaint to Recover on Payment Bond (Miller Act)
 7 ("Complaint") on June 20, 2014. The case was initially assigned to Magistrate Elizabeth
 8 LaPorte.

9 2. The action arises out of a federal construction project to stabilize and repair
 10 exterior walls of the cellhouse on Alcatraz Island. SST was a sub-subcontractor on the
 11 project; AMEC was the general contractor; and Zurich issued the Miller Act payment
 12 bond. SST's contract on the project was with Spectrum Services Group ("Spectrum").
 13 Spectrum is not a party to this case but has brought its own separate action against
 14 AMEC.

15 3. SST commenced this action in June to stop the running of the statute of
 16 limitations. However, at the time the action was commenced, the parties planned to
 17 participate in a multi-party mediation session before mediator, Randall Wulff of Wulff
 18 Quinby Sochynsky. After the mediation session before Mr. Wulff, the Parties negotiated
 19 basic terms for a settlement that, when finalized, will result in a dismissal of this action.

20 4. The settlement negotiated by the Parties is taking additional time to finalize
 21 and document because it involves a complex liquidation, sharing and pass-through
 22 agreement. The settlement is complex because it involves the Contract Disputes Act, the
 23 application of relevant FAR provisions, ongoing litigation between AMEC and Spectrum,
 24 and this pending case under the Miller Act. Because the settlement entails a pass-through
 25

26 1 Defendant, Zurich American Insurance Company ("Zurich"), has been served with the
 27 Complaint but has not yet entered an appearance given the ongoing settlement
 28 negotiations, in an effort to minimize attorneys' fees. SST has agreed to extend both
 Defendants' time to respond to the Complaint.

1 agreement, the final resolution of SST's claims in this case is dependent on the resolution
 2 of Spectrum's claims against AMEC as well.

3 5. The Parties and Spectrum continue to negotiate and exchange support for
 4 their claims under the Contract Disputes Act. Currently, SST has submitted all requested
 5 supporting documentation for its claims, and the Parties are awaiting final support for one
 6 of the claims asserted by Spectrum. The Parties hope to be able to agree on all of the
 7 detailed terms and finalize a settlement agreement within the next 30 days.

8 6. All defendants in this case have been served with the Complaint, and there
 9 have been three prior stipulations extending their time to respond. Defendants' response
 10 is now due on November 21, 2014.

11 7. On July 29, 2014, SST filed a declination of assignment to Magistrate
 12 LaPorte, and the case was thereafter assigned to this Court.

13 8. On July 31, 2014, the Clerk issued a notice setting the initial CMC in this
 14 Court for October 2, 2014.

15 9. On September 8, 2014, this Court entered an Order extending Defendants'
 16 time to respond to November 21, 2014 and continuing the Case Management Conference
 17 until December 11, 2014.

18 10. The Parties wish to avoid the time and expense of responding to the
 19 Complaint, making initial Rule 26 disclosures, engaging in a Rule 26(f) conference, and
 20 preparing for and attending the CMC, while they finalize and document the settlement
 21 they have negotiated. This settlement, when finalized and documented, will result in a
 22 dismissal of this case.

23 11. The Parties, therefore, respectfully request that: (1) Defendants' time to
 24 respond to the Complaint be extended to and including January 20, 2015; (2) the CMC be
 25 continued for 60 days, until early February, 2015 on a date convenient to the Court; and (3)
 26 the dates for filing the Rule 26(f) report, completing initial disclosures, and filing the Joint
 27 CMC statement be continued until one week before the new CMC date.

28

1 Dated: November 18, 2014

Respectfully submitted,

2 SCHIFF HARDIN LLP

3 By:/s/ Rocky N. Unruh

4 Rocky N. Unruh (SBN 84049)
5 runruh@schiffhardin.com
6 One Market, Spear Street Tower, Suite 3200
7 San Francisco, CA 94105
8 Telephone: 415-901-8700
9 Facsimile: 415-901-8701

10 BRADLEY ARANT BOULT CUMMINGS LLP
11 E. Mabry Rogers (*pro hac vice* application to be
12 submitted)
13 mrogers@babc.com
14 D. Bryan Thomas (*pro hac vice* application to
15 be submitted)
16 dbthomas@babc.com
17 One Federal Place
18 1819 Fifth Ave.
19 North Birmingham, AL 35203
20 Telephone: 205-521-8000
21 Facsimile: 205-521-8800

22 Attorneys for Plaintiff
23 SHARED SYSTEMS TECHNOLOGY, INC.
24 (PULLMAN)

25 Dated: November 18, 2014

KILPATRICK TOWNSEND & STOCKTON LLP

26 By:/s/ Holly Gaudreau

27 Holly Gaudreau (SBN 209114)
28 hgaudreau@kilpatricktownsend.com
1 Eighth Floor, Two Embarcadero Center
2 San Francisco, CA 94111
3 Telephone: 415-576-0200
4 Facsimile: 415-576-0300

5 Chad V. Theriot (*pro hac vice* application to be
6 submitted)
7 ctheriot@kilpatricktownsend.com
8 Elizabeth H. Crabtree (*pro hac vice* application
9 to be submitted)
10 lcrabtree@kilpatricktownsend.com
11 11000 Peachtree Street NE, Suite 2800
12 Atlanta, GA 30309-4528
13 Telephone: 404-815-6500
14 Facsimile: 404-815-6555

15 Attorneys for Defendants
16 AMEC ENVIRONMENT &
17 INFRASTRUCTURE, INC.

ORDER

Pursuant to the Parties' stipulation and for good cause shown, IT IS HEREBY ORDERED that:

1. Defendants' time to respond to the Complaint shall be extended to and including January 20, 2015;

2. The Case Management Conference shall be continued from December 11, 2014, until February 12, 2015 at 10:00 a.m.; and

3. All other deadlines associated with the Case Management Conference, including the filing of the Rule 26(f) report, completing initial disclosures, and filing the Joint Case Management Conference statement, shall be continued until one week before the new CMC date. The Parties shall comply with this Court's Standing Order re: Initial Case Management and the Standing Order for All Judges of the Northern District of California re: Contents of Joint Case Management Statements.

Dated: November 18, 2014


Richard Seeborg
United States District Judge

Richard Seeborg
United States District Judge

44926-0000
SF\321180627.3